

2001 – 2002 LEGISLATURE
January 2002 Special Session

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ASSEMBLY AMENDMENT 20,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1

March 14, 2002 – Offered by Representatives YOUNG, MORRIS-TATUM, COGGS,
WILLIAMS, RILEY and TURNER.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 128, line 20: after that line insert:

3 “174m. Page 153, line 25: after that line insert:

4 “**SECTION 258m.** 85.07 (9) of the statutes is created to read:

5 **85.07 (9) HIGHWAY SAFETY AND MOTOR VEHICLE CONTACTS; ANALYSIS OF**
6 **INFORMATION; ANNUAL REPORT.** (a) In this subsection, “motor vehicle contact” has the
7 meaning given in s. 165.842 (1) (d).

8 (b) Annually the department shall analyze the information forwarded to the
9 department under s. 165.842 (4) (c) by the department of justice concerning motor
10 vehicle contacts made during the previous year by law enforcement agencies to
11 determine, along with any other relevant information, all of the following:

1 1. The effects, if any, of motor vehicle contacts on state and local traffic law
2 enforcement.

3 2. Whether certain motor vehicle driving patterns and driver behavior have
4 contributed to the frequency of motor vehicle accidents, injuries, and death.

5 3. Specific enforcement strategies that may promote highway safety, including
6 the selection of specified areas for increased traffic law enforcement.

7 4. Other activities that may promote highway safety, such as highway
8 redesigning, increased signage, and modifying any existing speed limits.

9 (c) For each year, the department shall prepare an annual report that
10 summarizes the analysis of the information under par. (b) and that describes the
11 methods and conclusions of its analysis of the information. On or before June 30,
12 2003, and on or before each June 30 thereafter, the department shall submit the
13 annual report required under this subsection to the legislature under s. 13.172 (2),
14 to the governor, and to the director of state courts.”.”.

15 **2.** Page 174, line 3: after that line insert:

16 “214m. Page 173, line 16: after that line insert:

17 “**SECTION 338x.** 165.842 of the statutes is created to read:

18 **165.842 Motor vehicle contacts; collection and analysis of information;**
19 **annual report. (1) DEFINITIONS.** In this section:

20 (a) “Department” means the department of justice.

21 (b) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b).

22 (c) “Law enforcement officer” means a person who is employed by a law
23 enforcement agency for the purpose of detecting and preventing crime and enforcing
24 laws or ordinances and who is authorized to make arrests for violations of the laws

1 or ordinances that the person is employed to enforce, whether that enforcement
2 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

3 (d) “Motor vehicle contact” means any of the following:

4 1. The provision of assistance to the operator of or the passengers in a motor
5 vehicle that is already stopped in any public or private place.

6 2. Contact with an operator of or passengers in a motor vehicle involved in an
7 traffic accident.

8 3. The stop or detention of a motor vehicle that is traveling in any public or
9 private place, or the detention of an occupied motor vehicle that is already stopped
10 in any public or private place, for the purpose of investigating any alleged or
11 suspected violation of a state or federal law or city, village, town, or county ordinance.

12 **(2)** INFORMATION COLLECTION REQUIRED. All persons in charge of law
13 enforcement agencies shall obtain, or cause to be obtained, all of the following
14 information with respect to each motor vehicle contact made on or after January 1,
15 2002, by a law enforcement officer employed by the law enforcement agency:

16 (a) The reason for the motor vehicle contact.

17 (b) The age, gender, and race or ethnicity of the operator of the motor vehicle.

18 (c) The number of persons in the motor vehicle.

19 (d) Whether a search was conducted of the motor vehicle, its operator, or any
20 passenger, and for each search conducted all of the following information:

21 1. Whether the search was based on probable cause or reasonable suspicion to
22 believe that an offense had been, was being, or was about to be committed, or whether
23 the search was based on the consent of the person searched or, for a motor vehicle
24 search, on the consent of the operator or other authorized person.

1 2. If the search was of a passenger, the age, gender, and race or ethnicity of the
2 passenger.

3 3. What, if anything, was seized as a result of the search.

4 (e) Whether any person who was asked to consent to a search of the motor
5 vehicle or of his or her person refused to consent.

6 (f) Whether the motor vehicle contact or a search conducted during the contact
7 resulted in the operator or any passenger being given a written or verbal warning
8 of or a citation for a violation of any law or ordinance and, if so, a listing of each
9 warning or citation given and the alleged violation for which the warning or citation
10 was given.

11 (g) Whether the motor vehicle contact or a search conducted during the contact
12 resulted in the arrest of the operator or any passenger and, if so, a listing of each
13 arrest made and the reason for the arrest.

14 (h) The location of the motor vehicle contact, including the street address, if
15 any.

16 (i) The date, time, and duration of the motor vehicle contact.

17 **(3) SUBMISSION OF INFORMATION COLLECTED.** The person in charge of a law
18 enforcement agency shall forward the information obtained under sub. (2) to the
19 department using the form prescribed by the rules promulgated under sub. (5) and
20 in accordance with the reporting schedule established under the rules promulgated
21 under sub. (5).

22 **(4) ANALYSIS AND REPORT BY DEPARTMENT.** (a) The department shall compile the
23 information submitted to it by law enforcement agencies under sub. (3) and shall
24 analyze the information, along with any other relevant information, to determine,
25 both for the state as a whole and for each law enforcement agency, all of the following:

1 1. Whether the number of motor vehicle contacts and searches conducted
2 during such contacts involving motor vehicles operated or occupied by members of
3 a racial or ethnic minority compared to the number of motor vehicle contacts and
4 searches conducted during such contacts involving motor vehicles operated or
5 occupied solely by persons who are not members of a racial or ethnic minority is
6 disproportionate based on an estimate of the population and characteristics of all
7 persons traveling on state highways, on an estimate of the populations and
8 characteristics of persons traveling on state highways who are violating a law or
9 ordinance, or on some other relevant population estimate.

10 2. A determination as to whether any disproportion found under subd. 1. is the
11 result of racial or ethnic profiling, racial or ethnic stereotyping, or other race-based
12 or ethnicity-based discrimination or selective enforcement.

13 (b) For each year, the department shall prepare an annual report that
14 summarizes the information submitted to it by law enforcement agencies concerning
15 motor vehicle contacts made during the year and that describes the methods and
16 conclusions of its analysis of the information. On or before March 31, 2003, and on
17 or before each March 31 thereafter, the department shall submit the annual report
18 required under this paragraph to the legislature under s. 13.172 (2), to the governor,
19 and to the director of state courts.

20 (c) On or before March 31, 2003, and on or before each March 31 thereafter, the
21 department shall forward a copy to the department of transportation of the
22 compilation under par. (a) of information submitted to the department of justice by
23 law enforcement agencies under sub. (3) concerning motor vehicle contact made
24 during the previous year.

